

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Interstate Communications, Inc.)	File No. SES-RWL-20060209-00218
)	
License of Renewal)	Call Sign: E7107
)	

ORDER ON RECONSIDERATION

Adopted: July 20, 2007

Released: July 20, 2007

By the Chief, International Bureau:

I. INTRODUCTION

1. In this Order, we dismiss as untimely Interstate Communications, Inc. (Interstate's) September 26, 2006 Petition for Reconsideration challenging an April 14, 2006 decision¹ dismissing Interstate's application for renewal of its C-Band Fixed Earth Station license in Baton Rouge, Louisiana, pursuant to the Commission's "Red-Light Rule."²

II. BACKGROUND

2. On February 7, 2006, Interstate filed a renewal application for a C-Band Fixed Earth Station license in Baton Rouge, Louisiana (Call Sign: E7107). Pursuant to Section 1.1910 of the Commission's rules, Interstate's application was examined to determine whether the applicant was delinquent in any non-tax debt owed to the Commission. The purpose of this review is to determine if the applicant³ is precluded from obtaining any benefits from the Commission as required by the Debt Collection Improvement Act of 1996 (DCIA).⁴ The DCIA and the Commission's implementing regulations require the Commission to withhold action on applications and other requests for benefits when an entity applying for or seeking benefits is delinquent in non-tax debts owed to the Commission, and to dismiss

¹ Letter from Scott A. Kotler, Chief, Systems Analysis Branch, Satellite Division, International Bureau, Federal Communications Commission to Mr. Rhett R McMahon, Interstate Communications, Inc., Notice of Dismissal, FRN: 0001722396, (DA06-851) (April 14, 2006) (*April 14 Dismissal Letter*).

² 47 C.F.R. § 1.1910 (a)(1).

³ In determining whether an entity is delinquent for purposes of the red light rule, the Commission matches the FCC Registration Number (or FRN) of the applying entity to its database of debts. An applicant's FRN will be linked to all other FRN's associated with the same Taxpayer Identification Number (TIN).

⁴ Congress enacted the DCIA to strengthen Federal debt collection procedures. Pub. L.No. 104-134, 110 Stat. 1321, 1358 (1996).

such applications or other request if the delinquency is not resolved.⁵

3. On February 8, 2006, the Commission notified Interstate that it was delinquent on the payment of debts owed to the Commission.⁶ The *February 8, 2006 OMD Letter* indicated that if full payment or satisfactory arrangement to pay the delinquent debt was not made within 30 days of the date of the letter, Interstate's application would be dismissed pursuant to Section 1.1910(b)(3) of the Commission's rules.⁷

4. As of April 14, 2006, the Commission had not received payment of the debts identified in the *February 8, 2006 OMD Letter*, nor had Interstate made other satisfactory payment arrangements with the Commission.⁸ Accordingly, on April 14, 2006, the International Bureau dismissed Interstate's renewal application pursuant to Section 1.1910(b)(3) of the Commission's rules. On September 25, 2006, Interstate filed a Petition for Reconsideration of that decision.

III. DISCUSSION

5. By statute, Congress limited the Commission's jurisdiction to review petitions for reconsideration to those filed within a specific time period.⁹ Section 1.106(f) of the Commission's rules implements this statutory mandate requiring a petition for reconsideration to be filed within thirty days from the date of public notice of the Commission's action.¹⁰ Thus, the deadline for filing a petition for reconsideration of the April 14, 2006 dismissal action was May 15, 2006. Interstate failed to do so. Rather, Interstate filed its Petition on September 25, 2006 and does not allege any "extraordinary circumstances" to excuse its failure to timely file the petition for reconsideration.¹¹ Instead, Interstate argues that the delinquent fees were assessed in error contending that the earth station license terminated on August 15, 2005.¹² A petition for reconsideration of the dismissal letter is not the

⁵ See Amendment of Parts 0 and 1 of the Commission's Rules – Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Requests for Benefits by Delinquent Debtors, 19 FCC 6540 (2004) (*Red-Light Rulemaking*).

⁶ Letter from M. Washington, Acting Chief, Revenue and Receivables Operations Group, Office of Managing Director, Federal Communications Commission to Mr. Rhett R McMahon, Interstate Communications, Inc., dated February 8, 2006 (*February 8, 2006 OMD Letter*).

⁷ *February 8, 2006 OMD Letter*.

⁸ *April 14 Dismissal Letter*.

⁹ 47 U.S.C. § 405(a).

¹⁰ 47 C.F.R. § 1.106(f) ("The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of the final Commission action ..."); *San Francisco IVDS, Inc.*, Memorandum Opinion and Order on Reconsideration, 18 FCC Rcd. 724, 733 at n. 24 (2003) ("[W]e note that the courts have noted a strong policy in favor of administrative finality, and have held that proceedings that have become final will not be reopened unless there has been fraud on the agency's or court's processes, or unless the result is manifestly unconscionable. See, e.g., *Hazel-Atlas Co. v. Hartford Co.*, 322 U.S. 238, (1944); *Greater Boston Television Corporation v. FCC*, 463 F.2d 268 (D.C.Cir. 1971); *KIRO, Inc. v. FCC*, 438 F.2d 141 (D.C.Cir.1970); *Radio Para La Raza*, Memorandum Opinion and Order, 40 FCC 2d 1102, 1104 (1973)").

¹¹ See *Reuters Limited v. FCC*, 781 F.2d 946, 951-52 (D.C.Cir. 1986) (narrowly construing the judicially created "extraordinary circumstances" exception to statutory time limit for filing petitions for reconsideration).

¹² September 26, 2006 Petition for Reconsideration, *but see* 47 C.F.R. § 1.1166 (rule for waivers, reductions, and deferrals of regulatory fees); 47 C.F.R. § 1.1167 (procedures for filing a challenge to the assessment of regulatory fees).

appropriate vehicle in which to challenge fees assessed by the Office of Managing Director.¹³ Accordingly, we dismiss Interstate's petition for reconsideration as untimely.

III. ORDERING CLAUSE

6. Accordingly, pursuant to 47 C.F.R. § 1.1910(b) (3) and the Commission's rules on delegated authority, 47 C.F.R. § 0.261, the above-referenced application filed by Interstate Communications, Inc. is DISMISSED without prejudice to re-filing.

FEDERAL COMMUNICATIONS COMMISSION

Helen Domenici
Chief, International Bureau

¹³ The *Red-Light Rulemaking* provides the procedures for challenging a delinquent fee determination. The *February 8, 2006 OMD Letter* also indicated that the applicant should contact the Office of Management and Budget if the applicant believed the fees were in error.